



Nystrom Beckman & Paris LLP
Counselors at Law

January 12, 2007

Via Electronic Filing

Honorable Mark Wolf
United States District Court
United States Courthouse, Room 2300
1 Courthouse Way
Boston, MA 02210

Re: Eben Alexander, III, M.D. v. Brigham and Women's Physicians Organization, Inc.
C.A. No. 04-10738 MLW (D. Mass.)

Dear Judge Wolf,

Pursuant to the Court's Order dated December 26, 2006, this is to inform the Court that counsel for the parties have conferred concerning the disposition of the remaining counts and have agreed that Counts XI and XIII should be dismissed and judgment should enter in Defendants' favor on Count XII. This will preserve Plaintiff's right to seek attorneys' fees under Count XII in the event of a successful appeal.

Thank you.

Respectfully submitted,

NYSTROM BECKMAN & PARIS LLP

BY: /s/ Colleen C. Cook

Colleen C. Cook
Counsel for Plaintiff

Agreed:

/s/ Laurie Drew Hubbard

Laurie Drew Hubbard
Counsel for Defendants

cc: David Casey, Esq.

